



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** February 25, 2014  
**AGENDA ITEM NO.** 19b.

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature**

**Subject:**

Zoning and Land Use Case No. Z/LU-2-1-14 (Palm Harbor Montessori School)

**Department:**

Department of Planning and Development Services

**Staff Member Responsible:**

Larry Arrington, Executive Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) APPROVE THE REQUEST TO AMEND THE ZONING AND FUTURE LAND USE MAP.

**Summary Explanation/Background:**

The site is occupied by the Palm Harbor Montessori private school and lies adjacent to P-1, General Professional Office zoned property to the east and commercially zoned property to the south. The owner desires the proposed rezoning from Institutional Limited to P-1, General Professional Office and Future Land Use Map (FLUM) amendment from Institutional to Residential/Office General in anticipation of a potential sale for office development. If approved, the existing private school could continue as a permitted use as private schools are allowed in the P-1 zoning district. The proposed P-1, General Professional Office zoning district and the Residential/Office General FLUM designation are felt to be compatible with existing uses in the area.

**Fiscal Impact/Cost/Revenue Summary:**

N/A

**Exhibits/Attachments Attached:**

Staff Report with LPA Recommendation, Zoning Maps, Resolution & Ordinance

**LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the  
BOARD OF COUNTY COMMISSIONERS**



**Regarding: Case No. Z/LU 2-1-14**

**LPA Recommendation:** The LPA finds that the proposed amendment is consistent with the Pinellas County Comprehensive Plan, and recommends Approval of the zoning amendment. (The vote was 7-0, in favor).

**LPA Public Hearing: January 9, 2014**

**PLANNING STAFF RECOMMENDATION:**

- Staff recommends that the LPA find the proposed amendments to the Pinellas County Future Land Use Map and Zoning Atlas are consistent with the Pinellas County Comprehensive Plan based on the findings in this Report.
- And further, staff recommends that the LPA recommend approval of the proposed amendment to the Pinellas County Board of County Commissioners.

**CASE SUMMARY**

**APPLICANT'S NAME:** Palm Harbor Montessori School  
c/o Christine Varkas

**DISCLOSURE:** Christine Varkas

**REPRESENTED BY:** N/A

	<b>LAND USE CHANGE</b>	<b>ZONING CHANGE</b>
<b>FROM:</b>	Institutional	IL, Institutional Limited
<b>TO:</b>	Residential/Office General	P-1, General Professional Office

**PROPERTY DESCRIPTION:**

Approximately 4.78 acres located on the north side of Nebraska Avenue 575 ft. west of US 19 N., with the street address being 2355 Nebraska Avenue, Palm Harbor.

**PARCEL ID(S):** 06/28/16/00000/240/0400

**PROPOSED BCC HEARING DATE:** February 25, 2014

**CORRESPONDENCE RECEIVED TO DATE:**

No correspondence received.

## PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

No one appeared.

## SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
<b>Subject Property:</b>	Institutional	IL	Private school
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low	A-E & R-3	Single-family homes
<b>East</b>	Residential/Office/Retail	P-1 and CP-1	Office and retail uses
<b>South</b>	Residential Low, Residential/Office/Retail, & Institutional	A-E, CP-1 & IL	Drainage ditch, retail uses, and a library
<b>West</b>	Residential Low & Preservation	A-E	Single-family homes

## STAFF DISCUSSION AND ANALYSIS

### BACKGROUND

The owner/applicant's request is to amend the Pinellas County Future Land Use Map (FLUM) **from** *Institutional (I)* **to** *Residential/Office General (R/OG)*, and the Zoning Atlas **from** *Institutional Limited (IL)* **to** *General Professional Office (P-1)*. The subject site is developed with a private school (Palm Harbor Montessori Academy), on a site approximately 4.78 acres in size, located on the north side of Nebraska Avenue. Nebraska Avenue is identified in the Comprehensive Plan as a Scenic/Non-Commercial Corridor. While the owner/applicant has indicated to staff that the existing private school does not have plans to close, the applicant indicates their impetus behind the amendments is to allow the property to be marketed in the future for office uses.

The proposed amendments will not cause the existing private school to become a non-conforming use, since public and private schools are permitted uses in the proposed R/OG FLUM category and the P-1 zoning district.

### COMPATIBILITY WITH SURROUNDING LAND USES

To the north of the subject site, properties are designated *Residential Low (RL)* on the FLUM with *Agricultural Estate (A-E)* and *Single-Family Residential (R-3)* zoning, and developed with single-family homes. To the west of the subject site, is a single family home, designated *RL* and *Preservation* on the FLUM with *A-E* zoning. To the east of the subject site, there is a 3-story medical office building designated *Residential/Office/Retail* on the FLUM with *P-1* and *Commercial Parkway (CP-1)* zoning. Immediately south of the subject site, on the south side of Nebraska Avenue, there is the Palm Harbor Public Library, a retention pond and the Palm Harbor Commons shopping center, designated *Institutional*, *RL* and *Residential/Office/Retail* on the FLUM with *Institutional Limited (IL)*, *A-E* and *Commercial Parkway (CP-1)* zoning.

When taking into consideration the subject site's frontage along Nebraska Avenue, close proximity to US Highway 19, surrounding uses, and established FLUM categories, the application of the proposed *R/OG* FLUM category at this location can be considered consistent with the *R/OG* purpose and locational characteristics identified in the "Future Land Use Category Descriptions and Rules" of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan. Specifically, the purpose and locational characteristics indicate that the

proposed R/OG FLUM category is appropriate for parcels that are served by or are in close proximity to major thoroughfare networks and can serve as a transition between residential and non-residential uses.

In this case, the subject site is located along Nebraska Avenue, which at this location is a four-lane divided County collector road and is in close proximity to US Highway 19, which is a major arterial. The proposed R/OG FLUM category will provide for an appropriate transition between the intensity of the roadways and the single-family residential development to the north and west, as well as from the office/retail development to the east. From a redevelopment perspective, the proposed R/OG designation allows for flexibility in permitted uses, but at a lesser intensity/density from the subject site's current *Institutional* FLUM designation. Comparatively, the subject site's existing *Institutional* FLUM designation allows residential development at a maximum density at 12.5 dwelling units per acre (UPA) and non-residential development at a maximum floor area ratio (FAR) of 0.65. The proposed R/OG FLUM designation allows residential development at a maximum density at 10 UPA and non-residential development at a maximum FAR of 0.40.

## **SCENIC/NON-COMMERCIAL CORRIDOR CONSIDERATIONS**

Nebraska Avenue is a designated Scenic/Non-Commercial Corridor. Policy 1.10.1 of the *Future Land Use and Quality Communitites Element* of the Pinellas County Comprehensive Plan addresses the need to preserve the traffic carrying capacity as well as the scenic nature of these corridors. While low residential uses and densities (at 0 to 5 units per acre) are preferred along these roads, Policy 1.10.4 ensures that through the application of the County's Land Development Code development along these corridors will be consistent and where possible be enhanced to preserve the scenic vistas along these corridors.

In this case, although low density residential uses are the desired development along the corridor, the fact that the subject site is located in an area with a mix of commercial, office and institutional uses and is also within close proximity to the intersection of US Highway 19 and Nebraska Avenue, staff is of the opinion that the proposed R/OG FLUM designation and corresponding P-1 zoning is consistent with these policies of the Comprehensive Plan.

## **TRANSPORTATION IMPACTS AND CONCURRENCY**

While the subject site is the location of a private school at this time, and schools typically generate a substantial number of vehicle trips, redevelopment of the site under the existing Institutional designation could either increase or decrease the number of trips depending on the use. The same is the case with the R/OG designation, as it provides for a variety of uses, including schools. Therefore, for the purposes of this Report, staff compared the number of trips associated with the existing school use (at 333 students) and the redevelopment of the site as an office use, since that is how the applicant wishes to market the property in the future. The anticipated office use would be projected to generate approximately 660 additional average daily trips on the section of Nebraska Avenue from Belcher Road to US Highway 19. This section is currently operating at peak hour level of service (LOS) B, with a volume to capacity V/C ratio of 0.461, and would not be degraded by the additional trips.

However, it should also be noted, that the subject site is also located within one half mile of US Highway 19 North, which is designated by the 2013 Concurrency Test Statement as a Long Term Concurrency Management Corridor, and is operating at a LOS F, and will be subject to concurrency management requirements during the site plan process, which would mitigate for any increase in trips that might be anticipated if the site is redeveloped as an office use.

## **OTHER INFRASTRUCTURE IMPACTS**

The subject site is located within the Pinellas County Water Demand Planning Area and the William E. Dunn Wastewater Reclamation Facility Service Area. Amending the subject site from: I to: R/OG could increase potable water and wastewater demand by approximately 5,330 gallons per day, respectively. With respect to solid waste disposal, approval of the amendment could also increase the amount of solid waste generated by approximately 137 tons per year.

## SUMMARY

In summary, when evaluating the overall compatibility of the request with the surrounding area and with the Comprehensive Plan, staff has concluded that the *requested R/OG FLUM* category and *P-1* zoning is appropriate, given the site's location along Nebraska Avenue and close proximity to US Highway 19.

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### IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN

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Staff finds that the proposed amendment is **consistent** with the following adopted goal, objective, and policies of the Pinellas County Comprehensive Plan:

#### FUTURE LAND USE ELEMENT:

- Goal 1: The pattern of land use in Pinellas County shall be orderly and reasonable in distribution and intensity, conserve natural resources, be in the overall public interest, and effectively serve the community and environmental needs of the population.
- 1.2.3. Policy: Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.
- 1.2.4. Policy: Recognizing that successful neighborhoods are central to the quality of life in Pinellas County, redevelopment and urban infill development should be compatible with and support the integrity and viability of existing residential neighborhoods.
- 1.10 Objective: The scenic/non-commercial corridor policies adopted in the Comprehensive Plan shall continue to be enforced to preserve the scenic/non-commercial designations approved by resolution by the Board of County Commissioners for specific transportation corridors, and to protect their traffic carrying capacity.
- 1.10.1 Policy: Land uses along designated scenic/noncommercial corridors shall be managed to protect the traffic carrying capacity and the scenic nature of these roadways.
- 1.10.2. Policy: Low density residential development (0-5 units per acre) shall be the preferred land use along designated scenic/noncommercial corridors with the intent of keeping residential densities as low as possible within that range.
- 1.10.4. Policy: Through application of the County Land Development Code, Pinellas County will ensure that development and redevelopment is consistent with the desire to preserve, and where possible, enhance the scenic vistas along designated scenic/noncommercial corridors.

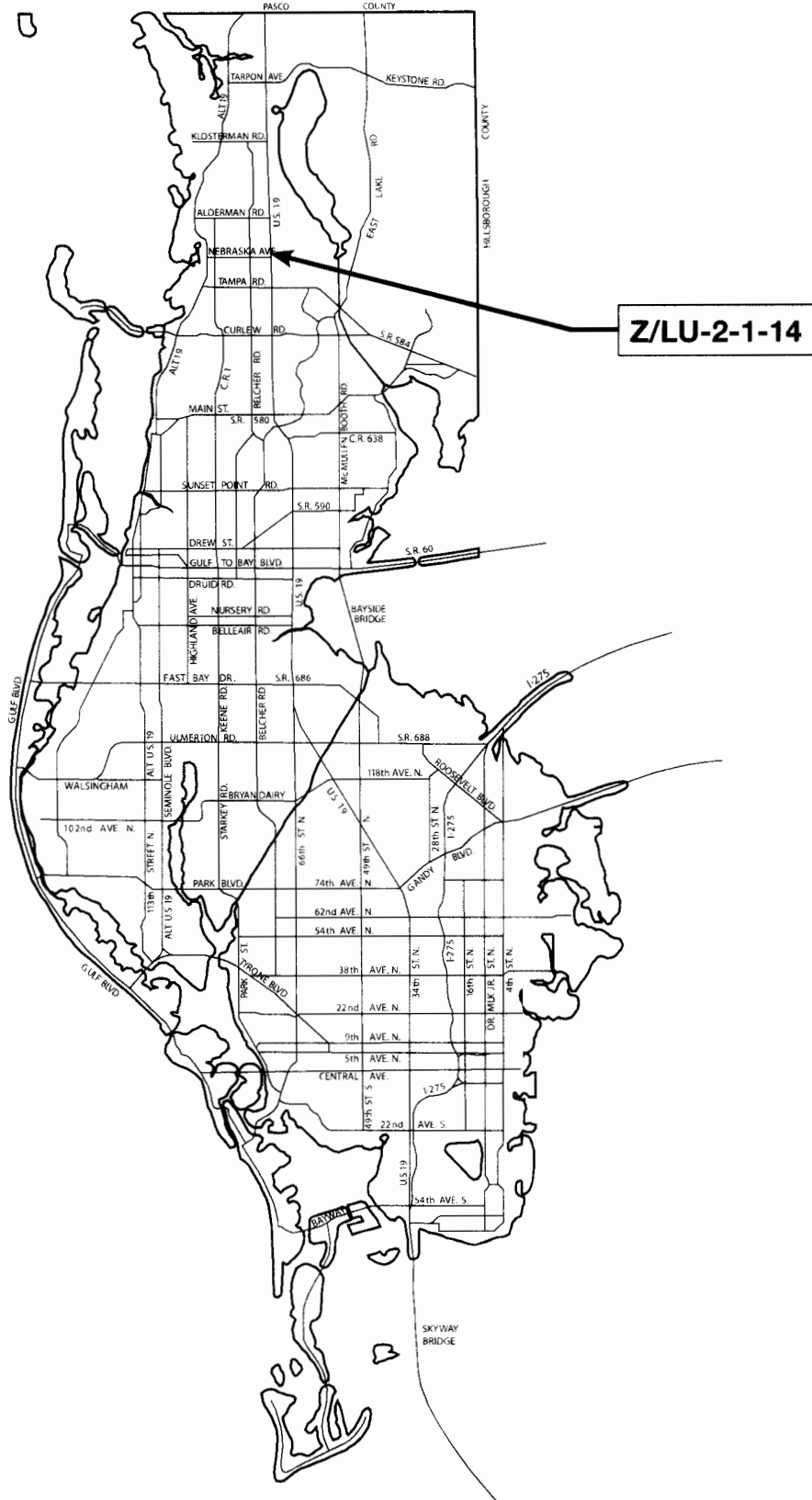
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## COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

Attachment (Maps)

# LOCATION MAP



MAP-1

**Z/LU-2-1-14**

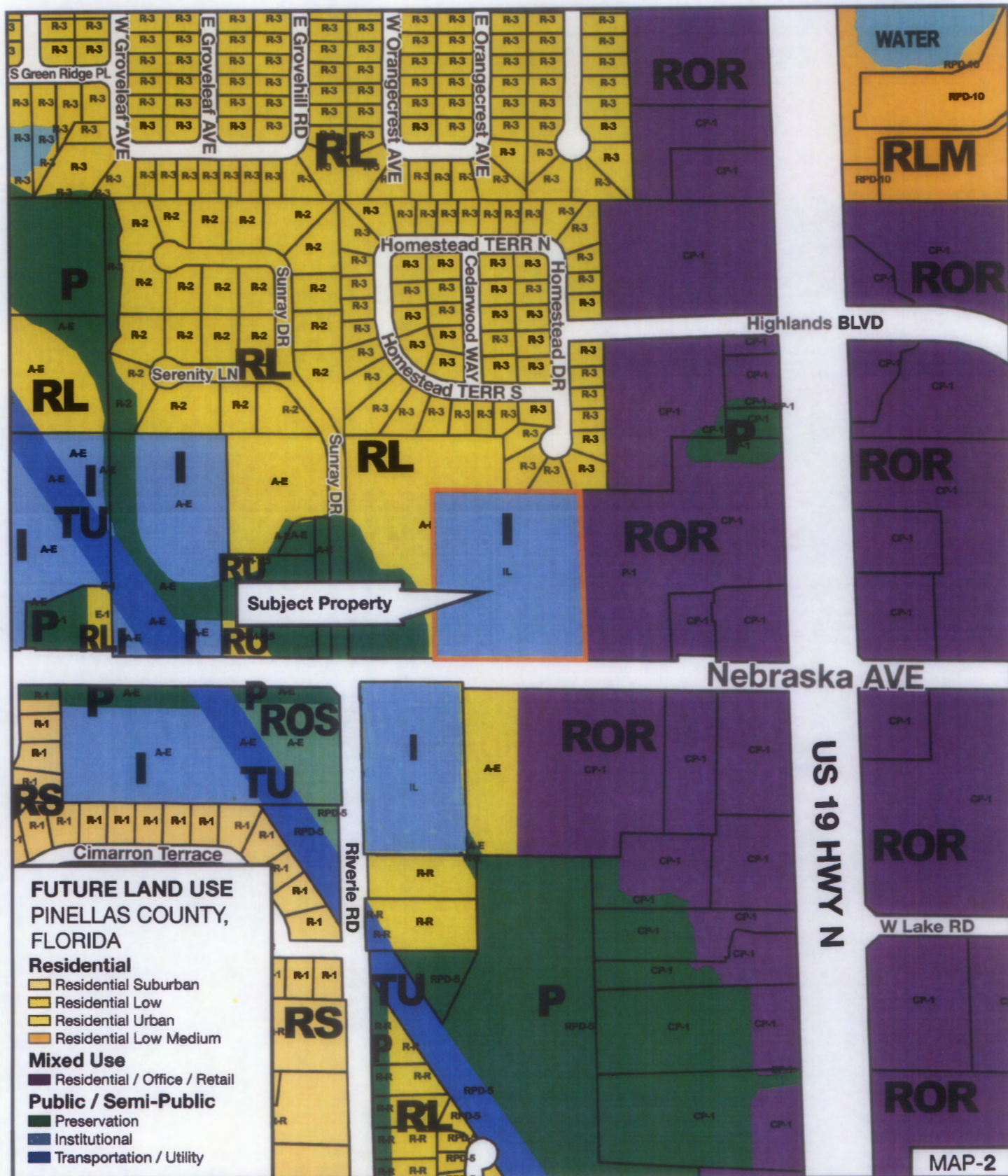
**Zone From:** IL, Institutional Limited  
**To:** P-1, General Professional Office  
**Land Use From:** Institutional  
**To:** Residential/Office General

Parcel I.D. 06/28/16/00000/240/0400

Prepared by: Pinellas County Department of Planning and Development Services November 2013







**Z/LU-2-1-14**

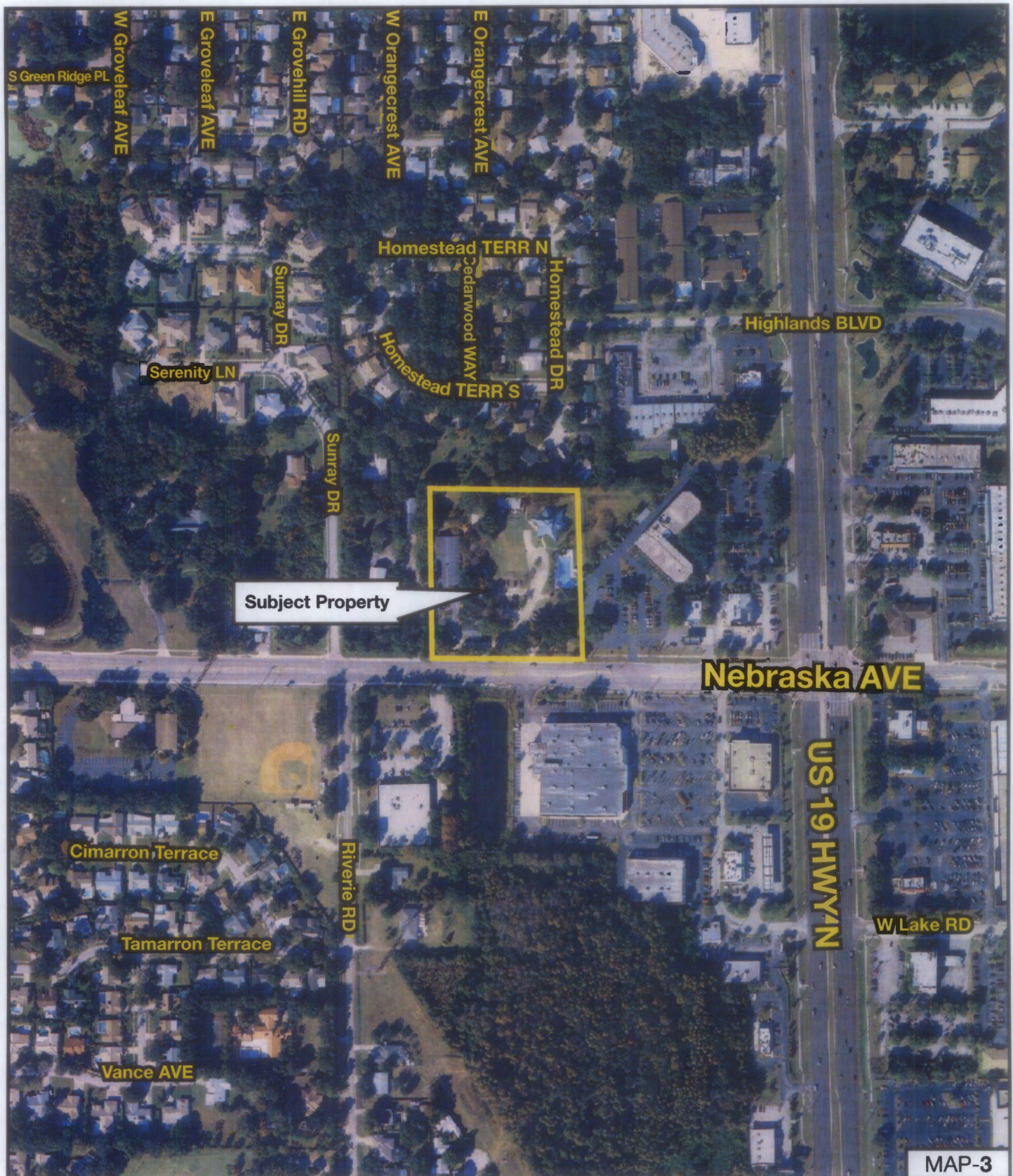
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Parcel I.D. 06/28/16/00000/240/0400

Prepared by: Pinellas County Department of Planning and Development Services November 2013







**Z/LU-2-1-14**

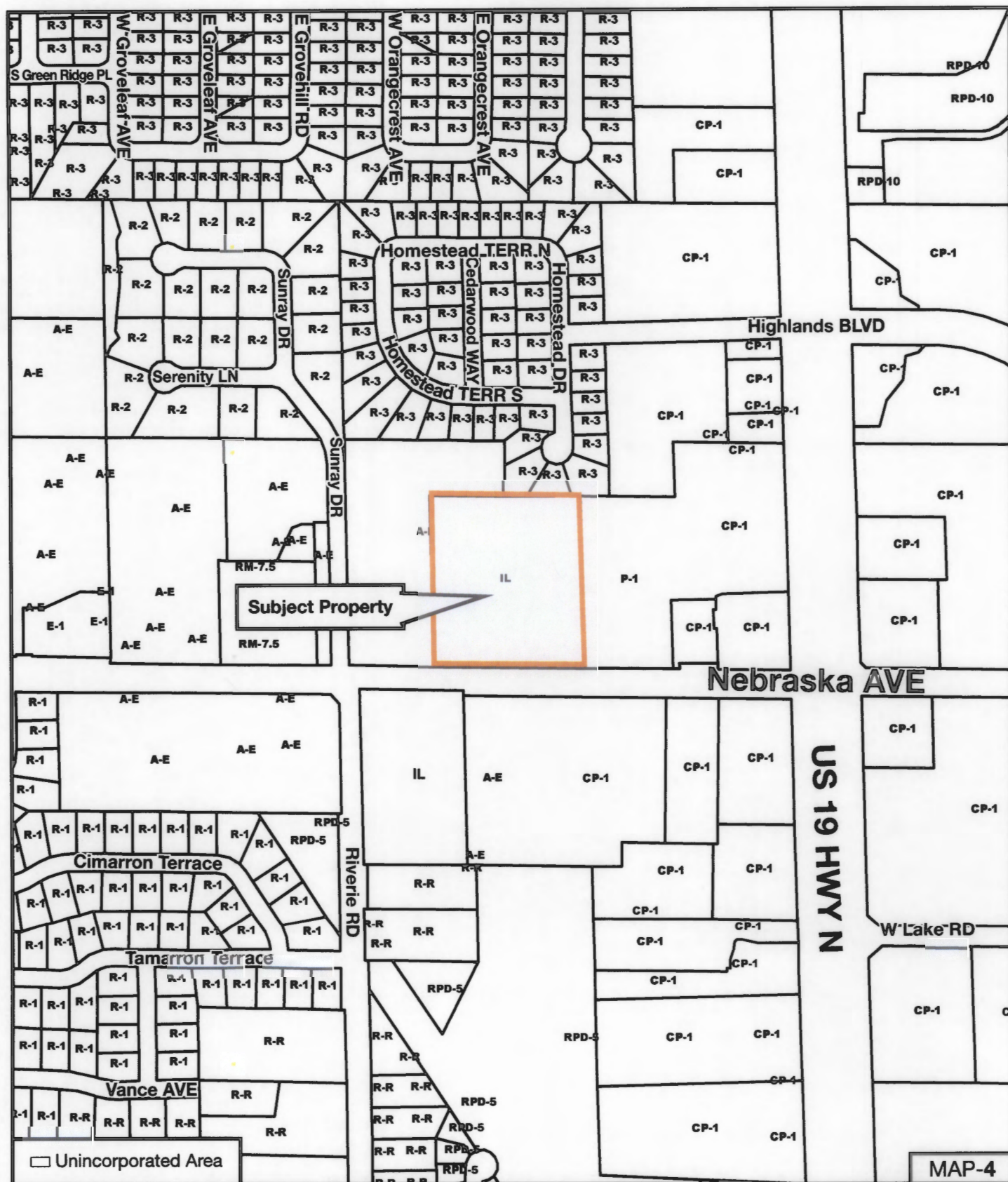
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Parcel I.D. 06/28/16/00000/240/0400

Prepared by: Pinellas County Department of Planning and Development Services November 2013







**Z/LU-2-1-14**

**Zone From:** IL, Institutional Limited  
**To:** P-1, General Professional Office  
**Land Use From:** Institutional  
**To:** Residential/Office General

Parcel I.D. 06/28/16/00000/240/0400

Prepared by: Pinellas County Department of Planning and Development Services November 2013



RESOLUTION NO. \_\_\_\_\_

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 4.78 ACRES LOCATED ON THE NORTH SIDE OF NEBRASKA AVENUE 575 FT. WEST OF US 19 N., WITH THE STREET ADDRESS BEING 2355 NEBRASKA AVENUE, PALM HARBOR; PAGE 583 OF THE ZONING ATLAS, AS BEING IN SECTION 06, TOWNSHIP 28, RANGE 16; FROM IL, INSTITUTIONAL LIMITED TO P-1, GENERAL PROFESSIONAL OFFICE; UPON APPLICATION OF PALM HARBOR MONTESSORI SCHOOL, C/O CHRISTINE VARKAS, OWNER, Z/LU 2-1-14

WHEREAS, Palm Harbor Montessori School, Owner of the property hereinafter described, has petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described from IL, Institutional Limited to P-1, General Professional Office; and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 25<sup>th</sup> day of February 2014 that the zone classification of the following described real property in Pinellas County, Florida, to wit:

See Attached "Exhibit A"

be, and the same is hereby changed from IL, Institutional Limited to P-1, General Professional Office, subject to an amendment to the Pinellas County Future Land Use Map from Institutional to Residential/Office General, Z/LU-2-1-14.

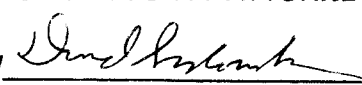
Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney

"EXHIBIT A"

Z/14-2-1-14

The following real property located in Pinellas County, Florida:

Parcel A

Commencing at a point Two Thousand Twenty-Eight feet (2,028.') East and Five Hundred Seventeen and Fifteen Hundredths feet (517.15') North of the Southwest corner of the Northwest quarter (NW 1/4) of Section 6, Township 28 South, Range 16 East, run thence South Four Hundred Eighty-four and Fifteen Hundredths feet (484.15') to the North right of way line of Road 584-A (Nebraska Avenue), run thence West along said Northern right of way line Two Hundred Fifty feet (250.') for a P.O.B.; from said P.O.B. run North Four Hundred Eighty-four and Fifteen Hundredths feet (484.15'), thence West One Hundred Seventy-nine and Ninety-seven Hundredths feet (179.97'), thence South Four Hundred Eighty-four and Fifteen Hundredths feet (484.15') to the Northern right of way of said road; thence East along the Northern right of way of said road One Hundred Seventy-nine and Ninety-seven Hundredths feet (179.97') to the P.O.B.

Parcel B

Commencing at a point 2,028.00 feet East and 517.15 feet North of the Southwest corner of the Northwest quarter of Section 6, Township 28 South, Range 16 East for a Point of Beginning; thence S1° 12' 02"E 309.15 feet; thence N89° 16' 43"W 150.0 feet; thence S1° 12' 02"E 175.0 feet to a point on the Northerly right-of-way of County Road 584A (66' R.O.W.); thence N89° 16' 43"W 100.00 feet along the Northerly right-of-way aforementioned County Road 584A; thence N1° 12' 02"W 484.15 feet; thence S89° 16' 43"E 250.00 feet to the Point of Beginning.

Parcel C

Commencing at a point 2,028.00 feet East and 517.15 feet North of the Southwest corner of the Northwest quarter of Section 6, Township 28 South, Range 16 East; thence run South 01° 12' 02" East 309.15 feet to the Point of Beginning; thence North 89° 16' 43" West 150.00 feet; thence South 01° 12' 02" East 175.0 feet to a point of the Northerly right-of-way of County Road 584A (66' R.O.W.); thence South 89° 16' 43" East 150.0 feet along said Northerly right-of-way of aforementioned County Road 584A; thence North 01° 12' 02" West 175.0 feet to the Point of Beginning.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 4.78 ACRES LOCATED ON THE NORTH SIDE OF NEBRASKA AVENUE, 575 FT. WEST OF US 19 N., WITH THE STREET ADDRESS BEING 2355 NEBRASKA AVENUE, PALM HARBO4 LOCATED IN SECTION 06, TOWNSHIP 28, RANGE 16, FROM INSTITUTIONAL TO RESIDENTIAL/OFFICE GENERAL, PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH OTHER RESPONSIBLE PARTIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the application for an amendment to the Future Land Use map of Pinellas County, Florida, hereinafter listed, has been presented to the Pinellas County Board of County Commissioners;

WHEREAS, notice of public hearings and advertisements have been given as required by law; and

WHEREAS, this is a small-scale development amendment, as defined by Section 163.3187(1), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 25<sup>th</sup> day of February 2014 that:

Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 4.78 acres located on the north side of Nebraska Avenue 575 ft. west of US 19 N., with the street address being 2355 Nebraska Avenue, Palm Harbor. Referenced as Case Z/LU-2-1-14, and owned by Palm Harbor Montessori School, from Institutional to Residential/Office General. See attached legal description "Exhibit A"

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Institutional to Residential/Office General to maintain consistency with the said Plan.

Section 3. This Ordinance shall take effect upon:

- a) Receipt of notice from the Secretary of State that the Ordinance has been filed is received;
- b) Approval by the Countywide Planning Authority of the requisite amendment of the Countywide Future Land Use Plan submitted herein pursuant to Chapter 88-464, Laws of Florida, as amended; and
- c) Pursuant to Section 163.3187(5)(c), Florida Statutes, this amendment shall become effective upon 31 days following its adoption. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining the adopted small scale amendment is in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By

  
Attorney

Parcel 06/28/16/000 7/240/0400

"EXHIBIT A"

Z/HU-2-1-14

The following real property located in Pinellas County, Florida:

Parcel A

Commencing at a point Two Thousand Twenty-Eight feet (2,028.') East and Five Hundred Seventeen and Fifteen Hundredths feet (517.15') North of the Southwest corner of the Northwest quarter (NW 1/4) of Section 6, Township 28 South, Range 16 East, run thence South Four Hundred Eighty-four and Fifteen Hundredths feet (484.15') to the North right of way line of Road 584-A (Nebraska Avenue), run thence West along said Northern right of way line Two Hundred Fifty feet (250.') for a P.O.B.; from said P.O.B. run North Four Hundred Eighty-four and Fifteen Hundredths feet (484.15'), thence West One Hundred Seventy-nine and Ninety-seven Hundredths feet (179.97'), thence South Four Hundred Eighty-four and Fifteen Hundredths feet (484.15') to the Northern right of way of said road; thence East along the Northern right of way of said road One Hundred Seventy-nine and Ninety-seven Hundredths feet (179.97') to the P.O.B.

Parcel B

Commencing at a point 2,028.00 feet East and 517.15 feet North of the Southwest corner of the Northwest quarter of Section 6, Township 28 South, Range 16 East for a Point of Beginning; thence S1° 12' 02"E 309.15 feet; thence N89° 16' 43"W 150.0 feet; thence S1° 12' 02"E 175.0 feet to a point on the Northerly right-of-way of County Road 584A (66' R.O.W.); thence N89° 16' 43"W 100.00 feet along the Northerly right-of-way aforementioned County Road 584A; thence N1° 12' 02"W 484.15 feet; thence S89° 16' 43"E 250.00 feet to the Point of Beginning.

Parcel C

Commencing at a point 2,028.00 feet East and 517.15 feet North of the Southwest corner of the Northwest quarter of Section 6, Township 28 South, Range 16 East; thence run South 01° 12' 02" East 309.15 feet to the Point of Beginning; thence North 89° 16' 43" West 150.00 feet; thence South 01° 12' 02" East 175.0 feet to a point of the Northerly right-of-way of County Road 584A (66' R.O.W.); thence South 89° 16' 43" East 150.0 feet along said Northerly right-of-way of aforementioned County Road 584A; thence North 01° 12' 02" West 175.0 feet to the Point of Beginning.